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LETTER DATED 24 SEPTEMBER 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 724 (1991) CONCERNING YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, I have the honour to transmit herewith the report of the Copenhagen Round Table on the United Nations Sanctions in the Case of the Former Yugoslavia. The round table was hosted by Denmark and held under the auspices of the Organization for Security and Cooperation in Europe (OSCE) on 24 and 25 June 1996. The report was presented to the Committee at its 142nd meeting, on 19 September, by Mr. Benny Kimberg, Permanent Representative of Denmark to the United Nations. Also present were Mr. Frederick Racké, European Union (EU)/OSCE Sanctions Coordinator and Mr. Richardt Vork, Director of the Sanctions Assistance Missions Communications Centre (SAMCOMM) in Brussels.

Members of the Committee expressed appreciation for the report. It was recognized as providing useful information on lessons learned from the Yugoslav sanctions experience on the basis of views by representatives and experts from 29 countries, as well as from the United Nations Secretariat, humanitarian agencies, the European Union, OSCE, the North Atlantic Treaty Organization (NATO), the Western European Union (WEU) and the Danube Commission, who were directly involved in various aspects of the implementation of the sanctions and had participated in the Round Table.

The Committee noted with interest various proposals and suggestions contained in the report and decided to forward it to you, Mr. President, for the attention of the members of the Security Council for any action they may wish to take.

(Signed) Juan SOMAVIA
Chairman
Security Council Committee established
pursuant to resolution 724 (1991)
concerning Yugoslavia

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Annex

Report of the Copenhagen Round Table on United Nations Sanctions in the Case of the Former Yugoslavia, held at Copenhagen on 24 and 25 June 1996

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* A list of participants, general statements, information on the structure of the panels and the issues discussed, together with working papers, are contained in the annexes to the present report. The annexes may be obtained from SAMCOMM at the European Commission, Directorate General XXI in Brussels.

I. INTRODUCTION

1. The economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), and - at a later stage - those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, have been remarkably effective. They modified the behaviour of the Serbian party to the conflict and may well have been the single most important reason for the Government in Belgrade changing its policies and accepting a negotiated peace agreement in Dayton, United States of America, in November 1995.

2. These sanctions were - unlike the peacekeeping and humanitarian assistance operations - the only strategic instrument of the United Nations to contain the conflict and restore peace and security in the region, not involving the use of armed force. The objective of the sanctions, directed against the party that was in violation of Security Council resolution 752 (1992), was to modify the behaviour of that party so that it would conform to the standards of behaviour required by international law.

3. They had their legal basis in mandatory decisions taken by the Security Council acting under Chapter VII of the Charter of the United Nations, on behalf of the international community, in light of a threat to international peace and security.

4. Their practical implementation by States was supported by international cooperation at the regional level in the framework of the (Conference) Organization for Security and Cooperation in Europe (OSCE), with the active support of other regional intergovernmental organizations and institutions, such as the European (Community) Union (EU), the Western European Union (WEU), the North Atlantic Treaty Organization (NATO), and the International Conference on the Former Yugoslavia (ICFY).

5. This unprecedented formula of a coordinated, inter-institutional, international cooperative effort to assist States in their observance of mandatory economic sanctions imposed by the Security Council may have been a decisive factor in making these measures a valuable and effective policy instrument in the graduated response to threats to international peace and security in this case.

6. The Security Council, in its resolution 1022 (1995), suspending most of the economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) following the initialling of the Peace Agreement in Dayton, acknowledged the importance of this international cooperation.

7. The Security Council paid tribute to the neighbouring States as well as to the ICFY mission, the EU/OSCE Sanctions Coordinator, the Sanctions Assistance Missions (SAMs) and their Communications Centre (SAMCOMM), the WEU Danube Mission and the NATO/WEU "Sharp Guard" operation in the Adriatic Sea "for their significant contribution to the achievement of a negotiated peace".

8. The instrument of economic sanctions is closely linked to the concept of collective security and measures for the prevention or containment of armed

conflict, as well as to the general issue of the enforcement of international law. These issues lie at the heart of the debate on the effectiveness of the United Nations system.

9. In view of the importance of these issues, it was decided that it would be worthwhile to preserve the institutional memory and "save" the experience gained during the implementation of the United Nations sanctions in the case of the former Yugoslavia.

10. For that purpose a Round Table was held under OSCE auspices to assess the effectiveness of the implementation of the mandatory measures and the related experiences of national authorities and international organizations involved, in order to enhance the possibility of making similar operations more effective in the future.

11. The idea for such a Round Table was first discussed with the United Nations Secretariat by the former EU/OSCE Sanctions Coordinator, Mr. Antonio Napolitano, and later endorsed in Vienna by the EU/OSCE Sanctions Liaison Group on 1 December 1995.

12. The decision to convene the Round Table was taken before the end of that year by the then Chairman-in-Office of OSCE, Mr. László Kovács, Minister for Foreign Affairs of Hungary. In January, Denmark, as a member of the OSCE Troika, offered to host the Round Table on 24 and 25 June 1996 at Copenhagen.

13. The Round Table provided a platform for the key players involved in the formulation, implementation and international cooperation in support of the United Nations sanctions in the case of the former Yugoslavia, to discuss the operational, institutional and practical lessons learned from this effort, as well as an opportunity to present observations and recommendations. The discussions were informal and focused on the coordinated activities, roles and relationships of the international and regional organizations and the national authorities involved in the implementation of the sanctions.

14. The Round Table was hosted by the Royal Danish Ministry of Foreign Affairs, represented by William Friis Møller, and co-chaired by the EU/OSCE Sanctions Coordinator, Frederick Racké, and the Director of SAMCOMM, Richardt Vork. Rapporteurs were Csilla Abraham Nagyi of Hungary, Crispin Conroy of Australia and Jerome Jansen of the Netherlands.

15. There was agreement on a number of observations and recommendations, which may prove useful to national authorities and international organizations in implementing future sanctions regimes. These are contained in the present report of the EU/OSCE Sanctions Coordinator, prepared in consultation with the United Nations Secretariat and SAMCOMM and presented by Denmark, as host of the Round Table, to the President of the Security Council, the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and the Chairman-in-Office of OSCE.

II. CHRONOLOGY OF EVENTS AND DECISION-MAKING

16. Serious fighting in Croatia began in June 1991 when that Republic and its northern neighbour, Slovenia, declared themselves independent from the Socialist Federal Republic of Yugoslavia, and Serbs living in Croatia, supported by the Yugoslav People's Army (JNA), opposed this move. After efforts by the European Community to stop the hostilities in mid-1991 and to resolve the crisis within the framework of the Conference on Yugoslavia had proved unsuccessful, the United Nations became actively involved in the situation in Yugoslavia.

The arms embargo

17. On 25 September 1991, the Security Council, meeting at the ministerial level, unanimously adopted resolution 713 (1991) expressing deep concern at the fighting and calling on all States to implement immediately a "general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia". The Council commended and fully supported the efforts already undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe (CSCE), to restore peace and dialogue in Yugoslavia.

18. As the fighting continued, the United Nations became more actively involved before the end of the year. On 15 December, the Security Council, by its resolution 724 (1991), approved the report of the Secretary-General which contained a plan for a possible peacekeeping operation, and decided to establish a committee (now known as the Sanctions Committee), with a mandate of its own, to ensure that the general and complete embargo imposed by resolution 713 (1991) was effectively applied.

19. By its resolution 743 (1992) of 21 February 1992, the Security Council decided to establish the United Nations Protection Force (UNPROFOR) and requested the Secretary-General immediately to deploy those elements of the Force which could assist in developing an implementation plan for the earliest possible full deployment of UNPROFOR. By its resolution 749 (1992), the Security Council decided, on 7 April, to authorize the earliest possible full deployment of UNPROFOR.

20. On 15 May 1992, the Security Council demanded, by its resolution 752 (1992), that all parties concerned in Bosnia and Herzegovina stop the fighting immediately, that all forms of interference from outside, as well as any attempts to change the ethnic composition of the population cease immediately and that those units of the Yugoslav People's Army and elements of the Croatian Army either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded and disarmed with their weapons placed under effective international inventory.

21. On 18 and 20 May 1992 the Council adopted resolutions recommending to the General Assembly that the Republic of Croatia, the Republic of Slovenia and the Republic of Bosnia and Herzegovina be admitted to the United Nations (resolutions 753 (1992), 754 (1992) and 755 (1992)). On 22 May, the Assembly, by its resolutions 46/236, 46/237 and 46/238 admitted those countries to

membership in the United Nations. Serbia and Montenegro had declared themselves the Federal Republic of Yugoslavia on 27 April 1992.

Economic sanctions

22. On 30 May 1992, the Council, by its resolution 757 (1992), determining that the situation in Bosnia and Herzegovina and in other parts of the former Socialist Federal Republic of Yugoslavia constituted a threat to international peace and security, condemned the failure of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to take effective measures to fulfil the requirements of resolution 752 (1992) and, acting under Chapter VII of the Charter, decided to impose comprehensive economic sanctions against that country. The Committee established pursuant to resolution 724 (1991) was entrusted with the task of monitoring these mandatory measures.

23. Resolution 757 (1992) banned all international trade with the Federal Republic of Yugoslavia (Serbia and Montenegro) to include movement of funds for any purpose other than medical supplies and foodstuffs. It also banned air travel to and from the Federal Republic of Yugoslavia (Serbia and Montenegro), maintenance of aircraft, sports exchanges, scientific and technical cooperation, cultural exchanges and official travel.

24. With resolution 760 (1992), the Security Council decided on 18 June 1992 that certain prohibitions contained in resolution 757 (1992) should not apply, with the approval of the Committee established pursuant to resolution 724 (1991), under the simplified and accelerated "no objection" procedure, to commodities and products for essential humanitarian needs.

25. Meanwhile diplomatic efforts to find a political solution to the conflict in the former Yugoslavia had been ongoing. On 24 July 1992, the Security Council invited the European Community, in cooperation with the Secretary-General of the United Nations, to examine the possibility of broadening and intensifying the European Community's Conference on Yugoslavia with a view to providing a new momentum in the search for negotiated settlements of the various conflicts and disputes in the former Yugoslavia.

26. The European Community then invited the Secretary-General to co-chair with the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, in his capacity as current President of the Council of Ministers of the European Community, the International Conference on the Former Yugoslavia (ICFY), which convened in London from 26 to 28 August 1992.

27. This Conference adopted a Statement of Principles for a negotiated settlement of the problems of the former Yugoslavia and reached a number of other agreements. It also established, under the overall direction of the Permanent Co-Chairmen of the Conference, a Steering Committee co-chaired by the Secretary-General's Personal Envoy, Cyrus Vance, and Lord Owen, who had succeeded Lord Carrington as European Community mediator.

Fact-finding

28. ICFY also decided at its London meeting to respond positively to the requests made by the countries neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) that international cooperation was needed to assist them in the implementation of the economic sanctions.

29. The Presidency and the Commission of the European Community were entrusted with the task of bringing about this international cooperation. Soon afterward, combined fact-finding missions consisting of customs officers from the United States, States members of the European Community (EC) and States participating in CSCE, as well as officials from the European Commission, were carried out.

30. These fact-finding missions made it possible to evaluate the difficulties facing the national authorities in their endeavours to enforce the economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and laid the foundations of international cooperation in support of the implementation of these sanctions. They also established that international assistance could facilitate legitimate trade and the flow of commodities and goods for essential humanitarian needs through appropriate and efficient control procedures.

31. On the basis of the reports of the fact-finding missions, the CSCE Committee of Senior Officials and a newly established EC/CSCE Sanctions Liaison Group met, respectively, on 18 and 28 September 1992 at Vienna and approved operational measures of technical assistance within the framework of CSCE, in close cooperation with the European Commission and the United States.

Sanctions Assistance Missions

32. The operational measures concerned the deployment of customs officers by States participating in CSCE to the countries neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) in the form of Sanctions Assistance Missions (SAMs). It was recognized that these officers would need to be highly qualified and have adequate communications equipment at their disposal.

33. The European Commission undertook to operate a communication and coordination centre in support of the SAMs. The first three SAMs became operational in October 1992 in Bulgaria, Hungary and Romania, whereas the Sanctions Assistance Missions Communications Centre (SAMCOMM) was established in Brussels and hosted by the European Commission's Directorate General XXI of Customs and Indirect Taxation.

34. SAMCOMM was funded by the European Commission and began operating on 5 October 1992. By March 1995, SAMCOMM had a staff of 26 composed of customs specialists, informatics specialists, a budget specialist and 4 secretaries. The European Commission provided 10 of the staff, whereas the other 16 came from and were funded by Austria, France, Germany, Greece, Italy, Sweden, Switzerland, the United Kingdom and the United States.

35. SAMCOMM facilitated the communication and coordination between SAMs and the national authorities of the host countries, ensured the follow-up of cases of

suspected breach of sanctions and established evaluation reports for the attention of the United Nations Sanctions Committee and the EU/OSCE Sanctions Liaison Group.

The European Union/Organization for Security and Cooperation in Europe Sanctions Coordinator

36. Important for the effectiveness of this operation was the establishment - for the first time ever - of the post of an independent international Sanctions Coordinator. Pursuant to its decision of 18 September 1992 to establish the Sanctions Assistance Missions to assist the neighbouring countries with the implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), the Committee of Senior Officials of CSCE recognized the need for diplomatic oversight and coordination of the activities of SAMs, the national authorities and regional or international organizations on sanctions, and decided on 4 February 1993 to establish the post of EC/CSCE, later EU/OSCE, Sanctions Coordinator. The Sanctions Coordinator benefited from close cooperation with and support from SAMCOMM.

37. On the basis of a mandate approved by the CSCE Committee of Senior Officials the Sanctions Coordinator oversaw the whole of the operation of the implementation of the sanctions. He coordinated at the political level with and between Governments concerned, as well as relevant international organizations and institutions. He advised national authorities on how to enhance the implementation of sanctions and, most importantly, reported to and liaised with the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia.

38. The Sanctions Coordinator not only supported the national and international efforts to implement the sanctions but was also of considerable assistance to the Sanctions Committee in performing its monitoring responsibility.

Strengthening of sanctions

39. As the conflict continued to deteriorate, the Security Council took steps to strengthen further the instrument of economic sanctions, in particular on the Danube River. With its resolution 787 (1992) the Council decided on 16 November 1992 to prohibit also the trans-shipment through the Federal Republic of Yugoslavia (Serbia and Montenegro) of certain products unless such trans-shipment was specifically authorized.

40. The Security Council also decided that any vessel in which a majority or controlling interest was held by a person or undertaking in, or operating from, the Federal Republic of Yugoslavia (Serbia and Montenegro) should be considered a vessel of this Republic, regardless of the flag under which the vessel sailed. The Council called upon States, acting nationally or through regional agencies or arrangements, to use such measures as may be necessary to halt all inward and outward maritime shipping on the Danube in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992).

Western European Union Danube Mission

41. In order to support the riparian States in their efforts to implement these measures on the Danube River, WEU was asked to consider the deployment of a customs/police force on the Danube. The Ministerial Council of the Western European Union, with observers from the riparian States, CSCE, the European Commission and NATO, decided on 5 April 1993 at Luxembourg to establish a Danube Patrol Mission consisting of eight patrol boats, manned with customs and police officers from riparian States and WEU. On 19 June 1993, this WEU Danube Mission was fully operational in Romania, Hungary and Bulgaria.

42. Diplomatic efforts to bring peace to Bosnia and Herzegovina had meanwhile proceeded on the basis of the principles adopted by the International Conference on the Former Yugoslavia at its London session in August 1992. Since September 1992, the Co-Chairmen of the Conference's Steering Committee, Cyrus Vance and Lord Owen, had held a series of complex and difficult talks with the parties concerned: the Bosnian Government, the Bosnian Croats and the Bosnian Serbs. On 4 January 1993, during the Geneva round of the talks, the Co-Chairmen put a comprehensive package as the basis for a fair, just and lasting peace to the parties concerned. This package became known as the Vance-Owen peace plan.

Further strengthening of the sanctions

43. On 17 April 1993, the Security Council adopted resolution 820 (1993) by which it commended the Vance-Owen peace plan for Bosnia and Herzegovina and welcomed the fact that the plan had been accepted in full by two of the Bosnian parties. At the same time, the Council expressed grave concern at the refusal of the Bosnian Serb party to accept the plan in full.

44. The Council decided to strengthen significantly the sanctions regime imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro), effective nine days after the date of adoption of the resolution, unless the Bosnian Serb party signed the peace plan and ceased its military attacks in Bosnia and Herzegovina. The stronger sanctions would prevent diversion to that country of commodities and products, by land and sea, and would freeze all its funds held in other States.

45. Despite the efforts of the Co-Chairmen of the ICFY Steering Committee, the Bosnian Serb side continued to reject the peace plan. The deadline established by the Security Council in its resolution 820 (1993) passed and the new strengthened sanctions regime came into force at midnight on 26 April 1993.

46. The further sanctions included: preventing the diversion to the Federal Republic of Yugoslavia (Serbia and Montenegro) of goods said to be destined for other places; authorizations by the Sanctions Committee for the trans-shipment of goods on the Danube; forbidding vessels registered in that country, owned by it, operated by it or suspected of violating Council resolutions, to pass through installations within the territory of States; authorizing States to freeze any funds belonging to that country and to ensure that they not be made available for the benefit of the Yugoslav authorities.

47. Resolution 820 (1993) also prohibited all commercial maritime traffic from entering the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro) except when authorized on a case-by-case basis by the Committee established pursuant to resolution 724 (1991) or in the case of force majeure. The latter provision required strengthening of the monitoring of commercial traffic in the Adriatic Sea.

Western European Union/North Atlantic Treaty Organization Sharp Guard

48. Operations in the Adriatic Sea had already started on 16 July 1992, with independent patrolling missions of WEU and NATO forces, on the basis of parallel though independently taken decisions by the Ministerial Councils of WEU and NATO in Helsinki on 10 July. In October 1992, these forces were supplemented by the NATO Standing Naval Force Atlantic. The task included the diversion without use of force of suspected violators to Italian and Albanian harbours.

49. In the light of resolution 820 (1993) it became necessary for NATO and WEU to combine their efforts. It was decided in a joint session of their Councils on 8 June 1993 to establish a combined operation named "Sharp Guard" under a single command and control. The mission was to check all vessels entering or leaving the Adriatic Sea, diverting them to Italian harbours when necessary, where the Italian navy coastguard inspected their cargo and ships' documents, releasing them only when cleared. The use of force was authorized, but was not required. Fourteen nations provided assets to Sharp Guard and operational control was delegated to NATO Commander Naval South in Naples.

50. Meanwhile, diplomatic efforts to resolve the crisis continued. On 20 August the Co-Chairmen of the ICFY Steering Committee, Lord Owen and Thorvald Stoltenberg, who had succeeded Cyrus Vance as Special Envoy of the Secretary-General, presented the Owen-Stoltenberg peace plan. This plan was accepted by the Croat and Serbian parties to the conflict on 28 August, but rejected by the Bosnian Parliament on 27 September. On 8 November, France and Germany introduced a new plan to the Council of the European Community, which was adopted on 22 November and became known as the European Union Action Plan. It was discussed with the leaders of the warring parties, together with the Co-Chairmen of the ICFY Steering Committee, in Geneva in November and December, without a positive result.

Turning point

51. The conflict in Bosnia and Herzegovina was now in its third year. Various blueprints for peace had been drawn up with the parties and then subsequently repudiated by one side or the other. The European Union Action Plan was the latest of a series. In the light of this experience and in an attempt to facilitate the peace process, the United States Government initiated consultations in Washington in late February 1994. This led to the signing on 1 March of the Washington Agreements establishing the Bosniac-Croat Federation and the Contact Group consisting of five countries, namely, France, Germany, the Russian Federation, the United Kingdom and the United States, working with ICFY.

52. This Contact Group met first at ministerial level at Geneva on 13 May. A second Ministerial Contact Group was held on 6 July when a territorial

settlement was presented to the parties. The map allocated 51 per cent to the Bosniac-Croat Federation and 49 per cent to the Bosnian Serb entity. The Contact Group, reinforced by the support of the Security Council and the Council of Ministers of the European Union, urged the parties to accept the proposal, unless the parties could agree amongst themselves on changes. At the end of July, the Bosniac-Croat Federation accepted the map. The Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) followed suit. By the end of July the Bosnian Serb party had not yet accepted the plan.

53. On 4 August 1994 the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) decided to break off political and economic relations with the "Republika Srpska" and to close the border with the "Republika Srpska" for all transport except food, clothing and medicine.

Mission of the International Conference on the Former Yugoslavia

54. At the request of the Secretary-General, the Co-Chairman of the ICFY Steering Committee, Mr. Stoltenberg, visited Belgrade from 12 to 14 August to respond to this very important new development and to discuss with President Milosevic the implementation of the measures announced for the closure of the border and their verification.

55. On 5 September, Foreign Minister Jovanovic sent the Co-Chairmen a letter recalling a proposal that had been made earlier by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the effect that representatives of international humanitarian organizations, in conjunction with representatives of the national Red Cross, could establish joint controls at places from which humanitarian assistance was organized and dispatched.

56. On 17 September, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) accepted a proposal of the Co-Chairmen of the ICFY Steering Committee to establish a mission composed of international civilian staff to monitor the delivery of humanitarian aid from Serbia and Montenegro to Bosnia and Herzegovina.

57. The Mission was based in Belgrade and, bearing in mind that the responsibility for controlling the border crossings remained with the Government in Belgrade, the members of the Mission were able to work with representatives of the Yugoslav Red Cross at places from which humanitarian assistance was organized and dispatched, to work alongside Yugoslav customs officers and to look into any vehicles crossing the border which they suspected might not be carrying goods classified as purely humanitarian.

58. This new development signalled the effectiveness of the United Nations sanctions. They had contributed to the decision of the Government in Belgrade to sever links with the Bosnian Serb party, to close the border except for humanitarian goods and to cooperate with ICFY in ensuring that only humanitarian goods crossed the border.

59. The Security Council reacted promptly to this development on 23 September 1994 by, on the one hand, strengthening and extending all measures imposed by its earlier relevant resolutions to those areas of the Republic of

Bosnia and Herzegovina under the control of Bosnian Serb forces (resolution 942 (1994)) and, on the other hand, suspending some of the sanctions imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro) (resolution 943 (1994)).

60. These measures were in full application until November 1995. The effectiveness of these measures was facilitated by the EU/OSCE Sanctions Coordinator operating from Brussels, the Sanctions Assistance Missions in all neighbouring countries, SAMCOMM with the European Commission in Brussels, the WEU Danube Patrol Mission on the Danube River, the WEU/NATO Sharp Guard in full strength in the Adriatic Sea and the ICFY Mission, which was well established at the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces.

Suspension of the sanctions and termination of the arms embargo

61. On 21 November 1995, the Presidents of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia initialled, after intensive and lengthy proximity talks at the invitation of the United States Government, in Dayton, the General Framework Agreement for Peace in Bosnia and Herzegovina. The next day, the Security Council adopted resolutions 1021 and 1022 (1995).

62. By resolution 1021 (1995), the Council stipulated the terms and time-frame of terminating the arms embargo established under resolution 713 (1991). Pursuant to the request contained in paragraph 1 of resolution 713 (1991), the Secretary-General, on 14 December 1995, submitted a report to the Security Council stating that the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and other parties thereto had formally signed the Peace Agreement on that day in Paris.

63. Accordingly, it was determined that 13 March 1996 would be the date of termination of the arms embargo, with some exceptions as stipulated in the resolution. On 18 June 1996, the President of the Security Council and the Chairman of the Sanctions Committee stated that all provisions of the arms embargo had been terminated.

64. By its resolution 1022 (1995), the Security Council decided, inter alia, to suspend indefinitely with immediate effect most of the sanctions against the Federal Republic of Yugoslavia. The Council also stipulated the terms of the termination of the sanctions as well as of their reimposition. The sanctions against the Bosnian Serb party were left in place until the latter met certain obligations.

65. The measures imposed on the Bosnian Serb party were suspended indefinitely starting on 27 February 1996, after the Security Council was informed the day before that in the assessment of the commander of the Implementation Force (IFOR) in Bosnia and Herzegovina, the Bosnian Serb forces had withdrawn from the zones of separation established in the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively "the Peace Agreement").

III. OBSERVATIONS

66. The general conclusion of the Round Table was that the mandatory measures imposed by the Security Council, under Chapter VII of the Charter, against the Federal Republic of Yugoslavia (Serbia and Montenegro), and at a later stage against those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, had achieved the objectives pursued by the Security Council.

67. The economic sanctions in particular were considered to be remarkably effective. They had clearly modified the behaviour of the Serbian party to the conflict in the former Yugoslavia and may have been the single most important reason for the Government in Belgrade accepting a negotiated peace agreement in Dayton, ending more than four years of terrible war in the former Yugoslavia.

68. The Yugoslav experience supports the more general view that an effectively implemented United Nations sanctions regime can be a credible and effective policy instrument in the graduated response to threats to international peace and security. At the same time, there were some lessons learned from the Yugoslav experience both in terms of making sanctions more effective and the need for fine-tuning this instrument, in particular with a view to minimizing the humanitarian impact of sanctions on the civilian population.

69. It was generally agreed that the instrument of sanctions is still relatively undeveloped and blunt, mainly because it has only been applied on a limited number of occasions, mostly after the end of the cold war. The observations and recommendations for further fine-tuning were on the one hand aimed at enhancing their effective implementation and enforcement and on the other hand at minimizing unintended human suffering of the civilian population. This could be achieved at the level of decision-making by the Security Council and the Sanctions Committee, but also in the sphere of cooperation with and between international humanitarian organizations.

70. Sanctions are a matter of considerable seriousness and concern and should be resorted to with utmost caution. Sanctions should be established in strict conformity with Chapter VII of the Charter of the United Nations, with clear objectives, provisions for regular review and precise conditions for being lifted.

71. The primary responsibility for effective implementation of United Nations sanctions rests with States. In this respect the Round Table recognized the special position of the States neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro). They not only shared a common border with that country but also had to sever traditionally intensive trade relations with it and, furthermore, were undergoing a major economic transition at the time of imposition of the sanctions.

72. The Round Table acknowledged the crucial role played by the neighbouring countries in making the sanctions in the case of the former Yugoslavia as effective as they were and commended their initiative in requesting international assistance to enhance their ability to implement effectively the mandatory measures of the Security Council.

73. The Organization for Security and Cooperation in Europe provided an adequate framework for the required sanctions assistance on the basis of international cooperation between its member States, with the active support of the European Union, the Western European Union and the North Atlantic Treaty Organization, as well as the International Conference on the Former Yugoslavia.

74. The Sanctions Assistance Missions in the neighbouring countries and the Sanctions Assistance Missions Communication Centre in Brussels provided valuable assistance to those countries in their efforts to apply the sanctions. The highly qualified staff of the SAMs and SAMCOMM, and the countries which contributed to the staffing and equipment, received wide acclaim.

75. The establishment - for the first time ever - of the post of an international Sanctions Coordinator with a clearly formulated mandate of OSCE to oversee the operation of the implementation of the sanctions, to coordinate and liaise with and between Governments in the region, to advise States on how better to implement the sanctions and to liaise with and report to the Sanctions Committee, contributed significantly to the success of the operation.

76. Effective liaison with and between the neighbouring States and the Sanctions Committee proved to be an important factor in enhancing the ability of the Committee to monitor the implementation of the mandatory measures of the Security Council.

77. The EU/OSCE Sanctions Liaison Group chaired by the EU/OSCE Sanctions Coordinator, meeting monthly at OSCE Headquarters at Vienna, functioned very well as a platform for operational consultations and coordination with and between national authorities and international organizations and institutions involved in the implementation of the United Nations sanctions in the case of the former Yugoslavia.

78. This unique and unprecedented formula of coordinated inter-institutional, international cooperation at the regional level in support of national Governments in their endeavour to observe the mandatory measures taken by the Security Council was identified as the main reason for the effectiveness of sanctions in the case of the former Yugoslavia.

79. The Round Table welcomed in this respect the tribute paid by the Security Council, in its resolution 1022 (1995), to the efforts of the States neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) and the regional organizations involved in the international sanctions assistance "for their significant contribution to the achievement of a negotiated peace".

80. The main lesson learned from the Yugoslav experience was that swift implementation and strict enforcement of the mandatory measures taken by the Security Council are essential in achieving the objectives of the Council and that adequate arrangements for international cooperation and assistance to States in their endeavour to do so can make a considerable contribution to that effect.

IV. RECOMMENDATIONS

81. The Round Table made some recommendations for action at the international level to strengthen the capacity of Governments effectively to apply United Nations measures in response to threats to international peace and security. This could enhance the ability of States to contribute to the prevention or containment of armed conflict and to participate more adequately in the enforcement and maintenance of international law.

82. Swift implementation and strict enforcement of sanctions are also important in reducing the risk of unnecessary deterioration of the humanitarian situation in the target State as well as limiting the special economic side effects for third countries, in particular the neighbouring countries. An important part of the recommendations was aimed at fine-tuning the instrument of economic sanctions and alleviating unintended human suffering by the civilian population.

83. States are obliged to introduce legislation for implementing the mandatory decisions of the Security Council, but may need assistance in enacting such legislation. Development of more uniform transformation procedures would certainly enhance compliance with Council decisions. International cooperation and consultation in order to harmonize domestic legislation, for example by drafting a model law or an international convention, could give an important impetus to that effect.

84. More clarity in the formulation of Security Council resolutions, including a clear definition of the objectives and provisions for regular review, would also enhance the possibility of compliance at the national level. The use of common or standard provisions in sanctions resolutions, where possible, was recommended. These would facilitate incorporation into domestic legislation.

85. However, the need for leaving the Security Council maximum flexibility in considering and deciding on situations threatening international peace and security was considered to be of paramount importance.

86. Once a sanctions regime has been established, it should be endowed by the Security Council with a credible monitoring and enforcement arm and the Secretariat should be equipped with adequate resources and specialized expertise to enable it to administer effectively the sanctions regime.

87. More rigorous reporting to the Security Council and sanctions committees by Member States on measures taken domestically to implement the sanctions, as required by the resolutions imposing the sanctions, would enhance the ability of sanctions committees to monitor the implementation of sanctions.

88. Article 50 of the Charter provides that States which encounter "special economic problems" as a result of the Security Council's measures may consult with the Council. The Round Table took note of the fact that this issue is currently being discussed by the General Assembly. The development of a mechanism for addressing the problems of third States affected by sanctions measures could further enhance the effectiveness of sanctions regime.

89. The Round Table agreed that fact-finding missions were essential in the preparation for international sanctions assistance. It was also agreed that proper organization and planning before the deployment of sanctions assistance missions was vital, including the staff composition, expertise and training, management and command structures, financial controls, conditions of service, security, communications and the sharing and analysis of information.

90. The Security Council could facilitate the proper organization of international cooperation to assist States in their efforts to implement sanctions, by allowing greater forward planning and a more structured approach to the management of sanctions assistance missions.

91. The Sanctions Committee provided interpretation of the sanctions on a case-by-case basis in response to specific requests by States. The Round Table noted that such interpretation proved of great value to States. Consideration should be given to including this function in the mandate of future sanctions committees. It could also be useful for the committees to call upon expert opinion, in the field of legal and customs issues, when making their interpretations.

92. The Round Table underlined the importance of regular reviews by the sanctions committees. It was felt that the procedures could be further streamlined. Furthermore, the Secretariat should be ready to undertake, at the request of the Security Council or of the respective sanctions committee, analysis and assessment of the effectiveness of the mandatory measures, their possible humanitarian impact on the civilian population, as well as of the collateral effects they may have on third States.

93. Various suggestions were made for further improving the working methods and the procedures of Security Council sanctions committees. More transparency in their work was considered important in this respect.

94. The instrument of sanctions could be further enhanced and it should be applied in future with more specificity and selectivity based on a careful analysis of the situation and taking into account the special characteristics of the targeted regime or group. In addition to being an effective means of conflict resolution, sanctions could be an important part of a strategy of preventive diplomacy.

95. The Round Table gave considerable attention to the need to reduce the negative humanitarian effect of sanctions on the civilian population. The Security Council, in drafting its resolutions imposing sanctions, could make provisions to ensure that appropriate conditions are created to allow an adequate supply of humanitarian goods to reach the civilian population and to provide for exceptions on humanitarian grounds. Guidelines for the definition of these humanitarian exceptions could be incorporated in the texts of the resolutions.

96. The Round Table noted with satisfaction, in this respect, that resolution 757 (1992) provided for the exemption of all medical supplies and foodstuffs for the civilian population. This was identified as a positive development in the

Security Council's approach to the needs of the civilian population in the case of comprehensive economic sanctions.

97. Prior to the implementation of mandatory economic measures, consultations between the sanctions committee and humanitarian organizations could contribute to arrangements that could ameliorate the humanitarian situation of the civilian population in the target country. The objective of such consultations would be to assess and review the humanitarian needs and to agree on the most efficient procedures and the means for monitoring the humanitarian impact. Means should be envisaged to minimize, in particular, suffering of the most vulnerable groups, such as refugees. Agreement on a clear definition of what constitutes humanitarian goods would be of great help.

98. The Security Council could regularly review the humanitarian impact of the sanctions in the target country and invite the assistance of international humanitarian organizations to assess the humanitarian needs, particularly of the most vulnerable groups, to report to the Council and give advice on ways to alleviate unintended human suffering.

99. Concerted action should be taken to provide humanitarian assistance impartially and expeditiously. In this regard, the Round Table recommended that the activities of international humanitarian organizations be exempted from the sanctions regime or given preferential treatment by the sanctions committees.

100. It was suggested that consideration could be given to providing humanitarian organizations, such as the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Health Organization (WHO) or other competent organizations, with a blanket exemption, thus allowing them to pursue effectively their purely humanitarian mission.

101. In general, increased coordination and closer cooperation between the sanctions committees and humanitarian organizations and agencies in the field was recommended. In addition, with a view to limiting delays in the supply of legitimate humanitarian goods, the further streamlining of committee approval procedures could be considered.